

CASE NUMBER 5:04cr25-1
USA

VS

JAMES NAPLES

Defendant

David Botsford

Attorney

DATE: 12/22/04
LOCATION: **Texarkana**
JUDGE: **David Folsom**
DEPUTY CLERK: **Mel Martin**
RPTR/ECRO: **Libby Crawford**
USPO: **Mike Carr**
INTERPRETER: **n/a**
US ATTORNEY: **W. Rivers/Malcolm Bales**
assigned/appeared
BEGIN: 10:10 (a.m.)
Resumes: 10:47 (a.m.)

ARRAIGNMENT/ PLEA/ CHANGE OF PLEA

☒ Hearing called ☒ Hearing held
☐ kinfo.fel. . Information (felony) ☐ kinfo.misd. . Information (misdemeanor) ☐ ksl.info. . Information (sealed)
☐ kindiuns. . Indictment unsealed ☐ kinfo.uns. . Information Unsealed
☐ Dft appears ☐ with ☐ without counsel; ☐ Dft appears pro se; ☐ Counsel appears on behalf of dft
☒ kwv indi. . Dft files Waiver of Indictment ☒ Dft advised of right to grand jury consideration
☐ karr. . . . ☐ Arraignment ☒ Change of Plea on: ☒ INFORMATION ☐ INDICTMENT ☐ RULE 20
held on counts ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12
☐ All counts other counts _____
☐ kcnsl. . . Dft first appearance with counsel ☐ CJA ☐ Ret. ☐ USPD ☐ kdaddatty
☒ . . . Dft ☒ sworn ☒ physically/mentally ready ☒ name spelled
☒ advised of charges ☒ advised of maximum penalties ☒ advised of right to remain silent;
☒ advised of right to counsel ☒ rec'd copy of the charges; ☒ discussed charges w/cnsl;
☒ charges of read ☐ waived reading of charges; ☒ No pressure to plead
☐ advised of alternate sentencing under Youth Corrections Act;
☐ kconsmagtrl. Consent to trial before U.S. Magistrate Judge
☒ kpl. . . . Dft enters a plea of: ☐ ngpl. (not guilty) ☒ gpl. (Guilty) ☐ nolopl. (Nolo) ☐ glesspl. (guilty-lesser)
to counts ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12
☐ all counts; other counts _____
☒ Factual Basis Established
☒ Court finds plea voluntary, knowledgeable and that it has a basis in fact.
☒ kplagacc. Plea Agreement accepted ☐ Plea agreement rejected _____
☒ Plea agreement received in evidence **SEALED** _____
☒ kplag. . . Plea agreement filed.
☐ keloff. . . Elements of offense.
☐ kopttrdisc. Discovery order entered. Dft has ____ days or until _____ to file motions not covered by this order;
Gvt has ____ days or until _____ to respond.
☐ koralo. . . mfilng.ddl Motion filing deadline. Pretrial motions or change of plea due by _____
☒ Sentencing deferred for pre-sentence investigation.
☐ ksen. . . Sentencing set for _____ before Judge _____
☐ kjytrl. . . Jury trial set for _____ before Judge _____
☐ kgm. . . . Government motion for detention
☐ ko (bnd). Dft bond ☐ set ☐ reset to \$ _____ ☐ cash ☐ surety ☐ 10% ☐ PR ☐ unsecured
☒ Bond continued ☐ in this case ☐ \$ _____ Type: _____ ☐ other case No. _____
☐ kocondrls. Order setting conditions of release ☐ Bond executed, dft released;
☐ kodtn. . . Entered Order: ☐ Temp Detention Pndg Hearing ☐ Detention Pndg Trial ☐ 10 Day Detention
☐ Dft remanded to custody of U.S. Marshal;
☐ koralo. . . Dft failed to appear, oral order for arrest warrant; ☐ bond forfeited
☐ kgoralm. . Government motion _____ ☐ koralo. . . _____
☐ kdoralm. . Defendant motion _____ ☐ koralo. . . _____

10:10 ICC with Bales, Botsford, and Rivers; ct/ elements to the law clerk; Bales/ we have it ready; ct/ very well we will get that ready; Bales/ add ct on factual basis; ct/ will like it in his own words why he is entering a plea; Botsford/ add ct; ct/ standard plea procedure; Bales/ this will be settling both CR and CV matters and would like to ask Dr. Naples some questions; Botsford/ is agreeable; 10:18 recess; 10:44 ICC with ptys; ct/ has read factual resume and will make it part of the record under seal; 10:45 recess; 10:47 ct opens; 11:29 Botsford/ will ct allow Mr. Naples to fly within geographical area without the need for a motion each time; ct/ notify Mr. Carr in writing and keep him advised of any trips and when you will be returning; 11:29 Bales/ questions Mr. Naples; 11:30 recess;

11:30 Adjourn